

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.5626 OF 2005
IN
CRIMINAL APPEAL NO.84 OF 2001

Sunder Balraj Nadar

Applicant

Vs.

The State of Maharashtra & anr.

Respondents

Mr.H.K.Prem and Ms.Priyanka Vegad for applicant.
Mr.A.S.Shitole, APP for State.

CORAM: S.S.PARKAR & Smt.Ranjana P.Desai ,JJ.

September 08, 2005.

ORAL ORDER:

. Heard both sides. This is the second application for bail presented by the applicant-accused. The earlier application for bail was rejected by our order dated 10th September 2001 when none had appeared on behalf of the applicant.

. It is pointed out on behalf of the applicant that the only evidence led on behalf of the prosecution as regards the main offence is the dying declaration recorded by the SEM. On behalf of the applicant it is further stated that the applicant was on bail during trial and he did not misuse the bail. It is further argued that his mother is suffering from cancer because of which he was released on

temporary bail for a period of three months by our order dated 5th May 2005 in this very application.

. Without going into the merits of the case but at the same time considering that the applicant is in custody since January 2001 i.e. for a period of more than four and half years and his mother is suffering from cancer and that the appeal paper book is not yet ready and it may take some more years for the appeal to come up for hearing, we allow this application and direct the release of the applicant on bail in the sum of Rs.20,000/- on condition that he shall report to Paydhuni Police Station once in a month. Since the applicant was released on temporary bail, he may be continued on bail on furnishing fresh bonds within a period of one week from today.

(S.S.PARKAR,J.)

(SMT.RANJANA P. DESAI,J.)